

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0540-01
Bill No.: HB 154
Subject: Contracts and Contractors; Domestic Relations; Family Law; Judges
Type: Original
Date: February 11, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(\$30,000)	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	(\$30,000)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Economic Development - Division of Professional Registration** and the **Office of State Courts Administrator** assume this proposal would not fiscally impact their agency.

Officials from the **Department of Health and Senior Services (DOH)** state this proposal would not be expected to significantly impact the operations of the DOH. If the proposal were to substantially impact any DOH programs, the Department would request funding through the legislative process.

Officials from the **Office of Attorney General (AGO)** assume there would be a one-time cost of approximately \$30,000 to develop a pamphlet providing a full explanation of the terms and conditions of covenant marriages and to print and distribute the pamphlet to recorders of deeds.

Officials from the **County Recorders Offices of Boone, Greene, and Callaway** did not respond to our request for a statement of fiscal impact.

Oversight assumes County Recorders may be fiscally impacted by this proposal as they would be required to indicate a covenant marriage on marriage certificates and may have persons convert their marriage certificates to covenant marriage certificates. **Oversight** further assumes

ASSUMPTION (continued)

any additional administrative impact would be offset by an increase in marriage license fees.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE			
<u>Costs - Office of Attorney General</u>			
Pamphlet development and printing costs	<u>(\$30,000)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$30,000)</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
COUNTY RECORDERS			
<u>Income - County Recorders</u>			
Covenant marriage certificate fees	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<u>Costs - County Recorders</u>			
Additional administrative costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON COUNTY RECORDERS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small business counseling centers may be positively impacted by the proposal as couples wishing to enter into covenant marriages would be required to obtain premarital counseling prior to marriage and would also be required to receiving counseling prior to separation or divorce.

DESCRIPTION

This proposal establishes an alternative to a traditional marriage called a covenant marriage. A covenant marriage requires premarital counseling and limits the spouses' ability to legally separate or dissolve the marriage. In its main provisions, the proposal: (1) Requires couples

wishing to contract a covenant marriage to execute and file with the marriage license application
ASSUMPTION (continued)

a declaration of intent. The declaration will contain: a) A recitation that the parties undertake a covenant marriage with full knowledge of the commitment it requires; (b) An affidavit executed by the parties verifying that they have completed premarital counseling; (c) A notarized attestation executed by the person performing the premarital counseling confirming the parties' completion of counseling; and (d) The notarized signature of both parties. If one or both of the parties are minors, the written consent of the persons required to consent to a minor's marriage pursuant to Section 451.090, RSMo, is required also; (2) Requires that it be indicated on the marriage license if the parties have undertaken a covenant marriage; (3) Requires officers issuing covenant marriage licenses to forward copies of covenant marriage declarations to the State Registrar of vital statistics once a month; (4) Allows married couples to convert their marriage into a covenant marriage by executing a declaration of intent with substantially the same contents as a declaration executed by unmarried persons; (5) Prohibits legal separation within a covenant marriage unless the parties first have obtained counseling and then only upon certain specified grounds, including: (a) Adultery; (b) A spouse's conviction for a felony with a sentence of imprisonment or death; (c) A spouse's abandonment of the marital domicile for a period of two years; (d) Physical or sexual abuse of the petitioning spouse or a child of one of the spouses; (e) The spouses' residential separation for a period of two years; and (f) "Habitual intemperance" or "cruel treatment" by one spouse; (6) Prohibits dissolution of a covenant marriage unless the parties first have obtained counseling and then only upon certain specified grounds, including: (a) Adultery; (b) A spouse's conviction for a felony with a sentence of imprisonment or death; (c) A spouse's abandonment of the marital domicile for a period of two years; (d) Physical or sexual abuse of the petitioning spouse or a child of one of the spouses; (e) The spouses' residential separation for a period of two years; (f) The spouses' residential separation for a period of two years following a judgment of separation if there is no minor child of the marriage; (g) The spouses' residential separation for a period of two years and six months following a judgment of separation if there is a minor child of the marriage. If child abuse was the basis of the judgment of separation, the subsequent required period of residential separation is one year; and (7) Requires the Attorney General's office by August 28, 2003, to promulgate an information pamphlet entitled "Covenant Marriage Act" outlining the consequences of entering into a covenant marriage. The pamphlet will be available to all counselors who perform covenant marriage premarital counseling.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Economic Development -
Division of Professional Registration
Office of State Courts Administrator
Department of Health and Senior Services
Office of Attorney General

NOT RESPONDING: Recorders Offices of Boone, Greene, and Callaway Counties



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Director
February 11, 2003